

**United States Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion Not Established By Statute  
DOI-BLM-UTY010-2016-0049 CX**

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**January 2016**

**Special Recreation Permit Renewal for Animals of Montana**

***Location:*** Faux Falls, Kiosk 1 on Highway 313, top of Long Canyon, Onion Creek drillpad:  
managed by the Moab BLM.

***Applicant/Address:*** Troy Hyde, 170 Nixon Peak Rd., Bozeman, Montana 59715

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## **CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**

### **A. Background**

BLM Office: Moab Field Office

Lease/Serial/Case File No: MFO-Y010-16-019R

Proposed Action Title/Type: Special Recreation Permit renewal for Animals of Montana

Location of Proposed Action: Faux Falls (near Ken's Lake), Long Canyon 4WD route (just above Pucker Pass), the Onion Creek drill pad, an area adjacent to the Fisher Towers road, and the area west of the first BLM information kiosk along Highway 313).

Description of Proposed Action: Animals of Montana has requested authorization through a renewed five-year commercial Special Recreation Permit (SRP) to conduct commercial photography tours. Clients would photograph captive animals (bear, wolf, mountain lion, and badger) in scenic locations. Vehicles associated with the tours would remain on designated routes; clients and staff would walk to photography locations. The tours would take place for two hours at dawn and dusk, one location at a time. Standard stipulations would be attached to the SRP, as well as special stipulations to maximize public safety and awareness while the tours are occurring.

### **B. Land Use Plan Conformance**

Land Use Plan Name: Moab Field Office RMP

Date Approved: October 31, 2008

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):**

Decisions REC-46 through REC-50 authorize the issuance of Special Recreation Permits. Specifically, page 97 of the Moab RMP reads as follows: "Special Recreation Permits are issued as a discretionary action as a means to: help meet management objectives, provide opportunities for economic activity, facilitate recreational use of public lands, control visitor use, protect recreational and natural resources, and provide for the health and safety of visitors." In addition, on page 98 of the Moab RMP, it states, "All SRPs will contain standard stipulations appropriate for the type of activity and may include stipulations necessary to protect lands or resources, reduce user conflicts, or minimize health and safety concerns....Issue and manage recreation permits for a wide variety of uses to enhance outdoor recreational opportunities, provide opportunities for private enterprise, manage user-group interaction, and limit the impacts to such uses upon natural and cultural resources."

### **C. Compliance with NEPA**


The action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment. The applicable Categorical Exclusion reference in 516 DM 11.9 H(1). This reference states, "Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating

permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for "Special Area" management (43 CFR 2932.5)."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

The applicant has asked for permission to photograph recreationists in outdoor settings.

**D: Signature**

Authorizing Official:  Date: 12/17/15  
Jeffrey 'Rock' Smith

**Contact Person**

For additional information concerning this CX review, contact: Katie Stevens  
Outdoor Recreation Planner, Moab BLM

## Categorical Exclusion Review Record

The following elements are not present in the Moab Field Office and have been removed from the checklist:  
Farmlands (Prime or Unique), Wild Horses and Burros.

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	NO	Am Arby	12-16-15
Floodplains	NO	Am Arby	12-16-15
Water Quality (drinking or ground)	NO	Am Arby	12-16-15
Wetlands / Riparian Zones	NO	Mark Weaver	12/16/15
Areas of Critical Environmental Concern	NO	K Stevens	12/16/15
Wild and Scenic Rivers	NO	K Stevens	12/10/15
Wilderness	NO	Dr. Stevens	12/16/15
Native American Religious Concerns	NO	M/M	12-16-15
Cultural Resources	NO	M/M	12-16-15
Environmental Justice	NO	Dr. Stevens	12/16/15
Wastes (hazardous or solid)	NO	Lisa Bryant	12/16/15
Threatened, Endangered, or Candidate Animal Species	NO	AKL	12/16/15
Migratory Birds	NO	AKL	12/16/15
Threatened, Endangered, or Candidate Plant Species	NO	Lisa Bryant	12/16/15
Invasive Species/Noxious Weeds	NO	Lisa Bryant	12/16/15
Other:			

\*Extraordinary Circumstances apply.

Environmental Coordinator KC Stevens

Date: 12/16/15

### Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> A photo shoot with trained animals would not impact public health or safety.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
<b>Yes</b>	<b>No</b> <b>X</b>	There are no unique geographic characteristics nor any special areas in the area of the trail system.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> There is no controversy concerning the proposed action.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> There are no unique environmental risks or uncertain effects.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> the action establishes no precedents for future actions
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> there are no cumulative environmental effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> A photo shoot would not have significant impacts.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these		

### Extraordinary Circumstances

species.

**Yes**

**No**

**X**

**Rationale:** there are no impacts upon T and E species, as all travel would be on designated roads and trails.

9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

**Yes**

**No**

**X**

**Rationale:** the action does not violate any laws.

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

**Yes**

**No**

**X**

**Rationale:** There are no effects on low income or minority populations

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

**Yes**

**No**

**X**

**Rationale:** there are no Indian sacred sites in the area.

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

**Yes**

**No**

**X**

**Rationale:** the activity would not introduce noxious weeds.

**FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD**

**Animals of Montana (commercial photo shoots)**

DOI-BLM-UT-Y010-2016-0049 CX

**FONSI:** Based on the analysis of potential environmental impacts contained in the present document, I have determined that the action will not have a significant effect on the human environment and an environmental impact statement is therefore not required.

**DECISION:** It is my decision to issue the commercial Special Recreation Permit for Animals of Montana to operate in the all areas listed under the Proposed Action This decision is contingent upon meeting all stipulations and monitoring requirements attached.

**RATIONALE:** The decision to authorize this Special Recreation Permit for Animals of Montana has been made in consideration of the environmental impacts of the proposed action. The action is in conformance with the Moab Resource Management Plan, which allows for recreation use permits for a wide variety of uses to enhance outdoor recreational opportunities, provide opportunities for private enterprise, manage user-group interaction, and limit the impacts to such uses upon natural and cultural resources.

  
\_\_\_\_\_  
Authorized Officer

12/17/15  
\_\_\_\_\_  
Date